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14 Attorneys for Plaintiffs
15 ELASTICSEARCH, INC. and
16 ELASTICSEARCH B.V.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

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14 ELASTICSEARCH, INC., a Delaware
15 corporation, and ELASTICSEARCH B.V., a
16 Dutch corporation,

17 v.
18 Plaintiffs,

19 FLORAGUNN GmbH, a German corporation,
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Defendant.

Case No. 4:19-cv-05553-YGR

**[PROPOSED] ORDER DENYING
DEFENDANT'S MOTION TO
EXCLUDE PORTIONS OF
TESTIMONY OF PLAINTIFFS'
EXPERT MARTIN WALKER**

1 Defendant floragunn GmbH (“floragunn”) has moved the Court to exclude portions of the
2 testimony of Plaintiffs Elasticsearch, Inc.’s and elasticsearch B.V.’s (collectively “Elastic”)
3 expert, Dr. Martin Walker, regarding (1) Dr. Walker’s opinions on floragunn’s access to Elastic
4 source code through decompilation of Elastic binaries and (2) Dr. Walker’s opinions that a
5 reasonable, ordinary computer programmer would find certain Elastic and floragunn source code
6 substantially similar in total concept and feel. The Court, having considered floragunn’s Motion,
7 Elastic’s Opposition, any Reply of floragunn, the supporting Declarations, and the parties’
8 arguments at hearing, hereby **DENIES** floragunn’s Motion.

10 **IT IS THEREFORE ORDERED** that Plaintiffs' expert Dr. Martin Walker's opinions
11 (1) regarding floragunn's access to Elastic source code through decompilation of Elastic binaries
12 and (2) that a reasonable, ordinary computer programmer would find certain Elastic and
13 floragunn source code substantially similar in total concept and feel shall not be excluded.

Dated: _____

Honorable Yvonne Gonzalez Rogers
United States District Judge

28 [PROPOSED] ORDER DENYING DEFENDANT'S MOT. TO EXCLUDE TESTIMONY OF PLAINTIFFS'
EXPERT MARTIN WALKER
Case No. 4:18-cv-05552-VGP